

EXHIBIT D

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES**

PROBATION OFFICER'S REPORT

REPORT SEQUENCE NO. 1

DEFENDANT'S NAME(S) MARTIN CASTANEDA				COURT EAST-M	JUDGE CIANCHETTI	COURT CASE NO. KA005779
ADDRESS (PRESENT/RELEASE) 303 SOUTH VERNON AVENUE AZUSA, CA 91702 (818/334-4252)				HEARING DATE 11-19-90	DEFENSE ATTY. MAC BRIDE/ PD	PROSECUTOR HARRIS
BIRTHDATE 4-20-68	AGE 28	SEX MALE	RACE HISPANIC	DPO CRYER	AREA OFFICE PV	PHONE NO. 620-3165
CITIZENSHIP STATUS NATIVE		DRIVER'S LICENSE/EXP. DATE V9134412/FEE REQ.		TYPE REPORT <input type="checkbox"/> Probation and sentence <input checked="" type="checkbox"/> Pre-Conviction (131.3 CCP) <input type="checkbox"/> Post sentence <input type="checkbox"/> Diversion (Specify) _____		
PROBATION NO. X-	CII NO. A06433264	BOOKING NO. 2232457				
DAYS IN JAIL THIS CASE <input checked="" type="checkbox"/> ESTIMATED 41 DAYS <input type="checkbox"/> VERIFIED		CUSTODY STATUS/RELEASE DATE LACO JAIL				

PRESENT OFFENSE: LEGAL HISTORY

CHARGED with the crimes of (INCLUDE PRIORS, ENHANCEMENTS OR SPECIAL CIRCUMSTANCES)

COUNT I: 664/187(A) PC (ATTEMPTED-WILLFUL, DELIBERATE, PREMEDITATED MURDER)
WITH SPECIAL ALLEGATIONS OF 12022.5(A) PC; 12022.7 PC; 1203.06(A)(1) PC

CONVICTED of the crimes of (INCLUDE PRIORS, ENHANCEMENTS OR SPECIAL CIRCUMSTANCES)

REFERRED FOR PRE-PLEA REPORT

CONVICTED BY N/A	DATE OF CONVICTION/REFERRAL 11-6-90	COUNT(S) CONTINUED TO P & S FOR DISPOSITION N/A
PROPOSED PLEA AGREEMENT NONE REPORTED		SOURCES OF INFORMATION N/A
DATE(S) OF OFFENSE 10-9-90		TIME(S) 8:41 P.M.
DEFENDANT: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> SENTENCED TO STATE PRISON/COUNTY JAIL ON CASE _____ (SEE PRIOR <input type="checkbox"/> ON PROBATION <input type="checkbox"/> PENDING PROBATION VIOLATION <input type="checkbox"/> PENDING NEW CASE RECORD <input type="checkbox"/> ON PAROLE-REMAINING TIME _____ SECTION)		HOLD/WARRANTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

RECOMMENDATION:

☐ PROBATION ☒ DENIAL ☐ DIAGNOSTIC STUDY ☐ CYA ☐ OTHER _____
 ☐ COUNTY JAIL ☐ 707.2 WIC
 ☒ STATE PRISON ☐ 1203.03 PC

**PRESENT OFFENSE:
(CONTINUED)****SOURCES OF INFORMATION (this page)**

D.A. FILE, ARREST REPORT

ARREST DATE	TIME	BOOKED AS	OFFENSE	LOCATION OF ARREST	ARRESTING AGENCY
10-9-90	UNKNOWN	MARTIN CASTANEDA	664/187 PC (ATTEMPTED MURDER)	934 N. SAN GABRIEL AVENUE, AZUSA, CA	AZUSA PD

CO-DEFENDANT(S)	CASE NO.	DISPOSITION
NONE		

ELEMENTS AND RELEVANT CIRCUMSTANCES OF THE OFFENSE:**COUNT I:**

IT IS ALLEGED THAT THE DEFENDANT, UPSET AND AFTER HAVING A PHYSICAL ALTERCATION WITH THE VICTIM'S BROTHER - JORGE CARREON ON THE PREVIOUS DAY, CONFRONTED THE VICTIM AND SHOT HIM SEVERAL TIMES WITH A HANDGUN.

ON OCTOBER 8, 1990, THE DEFENDANT - MARTIN CASTANEDA, APPARENTLY HAD A PHYSICAL ALTERCATION WITH THE VICTIM'S BROTHER, JORGE CARREON, OVER THE DEFENDANT'S EX-GIRLFRIEND. THE VICTIM, FIDEL CARREON, INTERVENED AND BROKE UP THE ALTERCATION. HOWEVER, THE DEFENDANT, AS HE WAS LEAVING THE LOCATION YELLED OUT, "VARRIO AZUSA" AND "I'LL BE BACK."

ON OCTOBER 9, 1990, AT ABOUT 8:41 P.M., THE DEFENDANT AND UNKNOWN COMPANIONS DROVE HIS VEHICLE TO THE VICTIM'S RESIDENCE LOCATED AT 500 NORTH VIRGINIA AVENUE IN THE CITY OF AZUSA. THEREAFTER, WITNESSES OBSERVED THE DEFENDANT AND HIS COMPANIONS TO LEAVE THE VEHICLE AND WALK UP TO THE VICTIM'S HOUSE. FINDING THE VICTIM OUTSIDE, THE DEFENDANT DISPLAYED A HANDGUN AND SHOT THE VICTIM FIVE TIMES IN THE CHEST, GROIN

-2- (CASTANEDA)

1 AND RIGHT ARM AREAS. THE DEFENDANT AND HIS COMPANIONS THEN FLED THE
2 LOCATION. AZUSA POLICE OFFICERS RESPONDED TO THE AREA AND RECEIVED
3 INFORMATION IMPLICATING THE DEFENDANT AS THE SHOOTER. POLICE OFFICERS
4 THEN WENT TO THE DEFENDANT'S RESIDENCE AND, AFTER RECEIVING CONSENT TO
5 SEARCH HIS HOUSE AND VEHICLE, FOUND A .22-CALIBER SHELL. DEFENDANT WAS
6 SUBSEQUENTLY ARRESTED AND TAKEN INTO CUSTODY. AFTER WAIVING HIS
7 CONSTITUTIONAL RIGHTS, THE DEFENDANT ACKNOWLEDGED TO OFFICERS OF HAVING
8 A FIGHT WITH THE VICTIM'S BROTHER THE NIGHT BEFORE AND GOING BACK TO
9 THE LOCATION WITH A LOADED GUN. NOT FINDING THE VICTIM'S BROTHER, THE
10 DEFENDANT ADMITTED SHOOTING THE VICTIM BECAUSE HE WAS STILL ANGRY.
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VICTIM:

SOURCES OF INFORMATION (this page)

VICTIM'S MOTHER, CRIME REPORT

NAME FIDEL CARREON	COUNT(S) COUNT I
INJURY: PROPERTY LOSS (TYPE / COST / ETC.) SEE BELOW	
INSURANCE COVERAGE UNKNOWN	
LOSS: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	ESTIMATED LOSS UNDETERMINED
RESTITUTION ALREADY MADE NONE	
APPLIED FOR VICTIM RESTITUTION FUND <input type="checkbox"/> UNK <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

VICTIM STATEMENT:

ACCORDING TO THE VICTIM'S MOTHER, MARIA CARREON, THE VICTIM WAS IN THE HOSPITAL THREE DAYS AS A RESULT OF THE SHOOTING. SHE INDICATED THAT THE VICTIM SUFFERED GUNSHOT WOUNDS TO HIS CHEST, GROIN AND RIGHT ARM WHICH REQUIRED SURGERY. MRS. CARREON WENT ON TO DESCRIBE HER SON AS ALWAYS BEING UNDERSTANDING AND NEVER HURTING ANYONE. MRS. CARREON RELATES THAT MEDICAL EXPENSES ARE UNKNOWN AT THIS POINT IN TIME. IN HER CLOSING STATEMENT, THE VICTIM'S MOTHER INDICATED THAT SHE IS WORRIED ABOUT HER SON AND HOPES THAT THE DEFENDANT WILL RECEIVE AN EXTENDED PERIOD OF TIME IN CUSTODY FOR HIS ACT.

RESTITUTION	TOTAL NUMBER OF VICTIMS ONE	ESTIMATED LOSS TO ALL VICTIMS UNDETERMINED	VICTIM(S) NOTIFIED OF P&S HEARING <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
DOES DEFENDANT HAVE INSURANCE TO COVER RESTITUTION: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		INSURANCE COMPANY NAME/ADDRESS/TELEPHONE NO. N/A	

1 PRIOR RECORD:

SOURCES OF INFORMATION (this page)

DEFENDANT;

CLETS (11-6-90); D.A. FILE, COURT RECORDS

3 AKA'S: MARTIN CASTENEDA

4 MULTIPLE DATES OF BIRTH: MAY 20, 1962

5 JUVENILE HISTORY:

6 INFORMATION IS NOT AVAILABLE THROUGH PROBATION DEPARTMENT
7 INQUIRY FIVE YEARS AFTER JUVENILE PROBATION ACTIVITY IS TERMINATED; AND
8 THE DEFENDANT ADMITS NO RECORD.

9 ADULT HISTORY:

10 IT SHOULD BE NOTED TO THE PRESIDING COURT THAT THE DEFENDANT
11 REFUSED TO PROVIDE THE PROBATION OFFICER WITH ANY INFORMATION IN REGARD
12 TO HIS ADULT ARREST HISTORY. -AS A RESULT, THE FOLLOWING INFORMATION IS
13 PRIMARILY FROM HIS RAP SHEET.

14 2-25-82 GLENDORA PD - 496 PC (RECEIVING KNOWN STOLEN PROPERTY);
15 ON 4-20-82, WEST COVINA MUNICIPAL COURT, CASE NUMBER
M-216210, CONVICTED OF 496 PC: GRANTED 12 MONTHS PROBATION.

16 3-22-87 ARRESTING AGENCY UNKNOWN - 166(4) PC (CONTEMPT OF COURT;
17 DISOBEY COURT ORDERS) - ON 6-26-87, CITRUS MUNICIPAL COURT,
CASE NUMBER 87M04425 - CONVICTED AS CHARGED: GRANTED TWO
18 YEARS SUMMARY PROBATION.

19 8-21-88 AZUSA PD - 12020(A) PC (POSSESS/SELL DANGEROUS WEAPON);
20 ON 10-21-88, CITRUS MUNICIPAL COURT, CASE NUMBER 88M12192,
CONVICTED OF 12020(A) PC: GRANTED ONE YEAR SUMMARY
21 PROBATION WITH CONDITION TO PAY FINE OF \$235.

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29 -5- (CASTANEDA)

1 PERSONAL HISTORY:

SOURCES OF INFORMATION (this page)

DEFENDANT

3 SUBSTANCE ABUSE:

4 _____ No record, indication, or admission of alcohol or controlled substance abuse.

5 XX Occasional social or experimental use of MARIJUANA AND BEER acknowledged.

6 XX See below: Indication / admission of significant substance abuse problem.

7 Referred to Narcotic Evaluator ☐ Yes ☒ No

_____ Narcotic Evaluator's report attached

8 Additional information

9 WHEN INTERVIEWED BY THE PROBATION OFFICER, THE DEFENDANT
10 DENIED HAVING ANY HISTORY OF NARCOTIC SUBSTANCE ABUSE.
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26 PHYSICAL / MENTAL / EMOTIONAL HEALTH:

27 XX No indication or claim of significant physical/mental/emotional health problem.

28 _____ See below: Indication / claim of significant physical/mental/emotional health problem.
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PERSONAL HISTORY:
(CONTINUED)SOURCES OF INFORMATION (this page)
DEFENDANT

RESIDENCE	TYPE RESIDENCE	LENGTH OF OCCUPANCY	MORTGAGE/RENT	RESIDES WITH/RELATIONSHIP
	HOUSE	11 MONTHS	\$350	SELF
RESIDENTIAL STABILITY LAST FIVE YEARS		CAME TO STATE / FROM		CAME TO COUNTY / FROM
FAIR		BIRTH		BIRTH

Additional information. DEFENDANT RELATES THAT HE IS THE FOURTH OF FIVE CHILDREN BORN TO THE MARITAL RELATIONSHIP BETWEEN MANUEL AND PHYLLIS CASTANEDA. ACCORDING TO THE DEFENDANT, HE WAS BORN IN COVINA, CALIFORNIA AND WAS PRIMARILY RAISED BY HIS PARENTS IN THE CITY OF AZUSA.

MARRIAGE / PARENTHOOD	MARITAL STATUS	NAME OF SPOUSE / PRESENT COHABITANT
	SEPARATED	DEBBIE CASTANEDA
LENGTH OF UNION	NO. OF CHILDREN THIS UNION	SUPPORTED BY
EIGHT YEARS	FOUR	DEFENDANT; AFDC
NO. PRIOR MARRIAGES / COHABITATIONS	NO. OF CHILDREN THESE UNIONS	SUPPORTED BY
NONE	NONE	N/A
NO. OF OTHER CHILDREN	SUPPORTED BY	
NONE	N/A	

Additional information

DEFENDANT RELATES THAT HIS MARRIAGE TO HIS SPOUSE DEBBIE CASTANEDA ENDED IN SEPARATION IN FEBRUARY OF THIS YEAR AFTER EIGHT YEARS OF MARRIAGE. ACCORDING TO THE DEFENDANT, FOUR CHILDREN EVOLVED FROM THIS MARITAL RELATIONSHIP WHO RANGE IN AGES FROM TWO MONTHS TO AGE EIGHT, AND WHO ARE PRESENTLY SUPPORTED BY AFDC (AID TO FAMILIES WITH DEPENDENT CHILDREN) PAYMENTS.

FORMAL EDUCATION:

DEFENDANT RELATES THAT HIS EDUCATION ENDED AT THE 11TH GRADE LEVEL WHILE ATTENDING SIERRA CONTINUATION HIGH SCHOOL. HE CLAIMS THAT JUST PRIOR TO HIS ARREST FOR THE ALLEGED OFFENSE, HE HAD RE-ENROLLED INTO AZUSA ADULT SCHOOL AND HAS 37 CREDITS LEFT IN ORDER TO ACHIEVE HIS HIGH SCHOOL DIPLOMA.

PERSONAL HISTORY:
(CONTINUED)

SOURCES OF INFORMATION (this page)

DEFENDANT

EMPLOYMENT STATUS	<input type="checkbox"/> EMPLOYED	REFERRED TO WORK FURLOUGH	EMPLOYER AWARE OF PRESENT OFFENSE	
	<input checked="" type="checkbox"/> UNEMPLOYED	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> YES <input type="checkbox"/> NO
PRESENT/LAST EMPLOYER / ADDRESS / PHONE HOME DEPOT - COVINA, CA (ENDING 10/89)		OCCUPATION ASSISTANT DEPARTMENT HEAD	PERIOD OF EMPLOYMENT TWO YEARS	GROSS MONTHLY WAGE \$900
<input type="checkbox"/> VERIFIED <input checked="" type="checkbox"/> UNVERIFIED		EMPLOYMENT STABILITY LAST 5 YEARS UNSTABLE	TYPES OF PREVIOUS EMPLOYMENT FORKLIFT DRIVER; STOCKER	

Additional information ACCORDING TO THE DEFENDANT, PRIOR TO HIS ARREST FOR THE ALLEGED OFFENSE, HE WAS WORKING IRREGULARLY WITH HIS BROTHER THROUGH A CLEANING BUSINESS. DEFENDANT RELATED ALSO THAT HE WAS WORKING CDD JOBS AND RECEIVED A MONTHLY ESTIMATED SALARY PERTAINING TO BOTH EMPLOYMENTS OF \$1,100.

FINANCIAL STATUS	INCOME STABILITY MARGINAL		NET MONTHLY INCOME \$1,100	
PRIMARY INCOME SOURCE WAGES	SECONDARY INCOME SOURCE(S) NONE		EST. TOTAL ASSETS UNKNOWN	EST. TOTAL LIABILITIES UNKNOWN
MAJOR ASSETS / ESTIMATED VALUE NONE REPORTED				
MAJOR LIABILITIES / ESTIMATED AMOUNT (MONTHLY) NONE REPORTED				

Additional information

GANG ACTIVITY ☒ YES ☐ NO

Name of Gang (SEE PAGE NINE)

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1 GANG ACTIVITY:

2 WHEN INTERVIEWED BY THE PROBATION OFFICER, THE DEFENDANT
3 DENIED ANY TYPE OF GANG AFFILIATION. HOWEVER, ACCORDING TO INFORMATION
4 FROM THE AZUSA POLICE DEPARTMENT, THE DEFENDANT APPARENTLY HAS SOME
5 SLIGHT TIES WITH THE "AZUSA 13" GANG.

6 DEFENDANT'S STATEMENT:

7 THE DEFENDANT, UPON RECEIVING ADVICE FROM HIS ATTORNEY,
8 DECLINED TO MAKE ANY STATEMENTS PERTAINING TO THE ALLEGED OFFENSE.
9 HOWEVER, THE DEFENDANT DID INDICATE THAT HIS FUTURE PLANS CONSIST OF
10 GETTING HIS PRIORITIES TOGETHER, REUNITING WITH HIS FAMILY AND MAKING
11 UP FOR LOST TIME AWAY FROM HIS CHILDREN.

12 INTERESTED PARTIES:

13 THE PROBATION OFFICER WAS ABLE TO OBTAIN INFORMATION
14 FROM DETECTIVE ARNOLD OF THE AZUSA POLICE DEPARTMENT (818/334-2943),
15 WHO ASSISTED IN INVESTIGATING THIS MATTER AND PROVIDED THE FOLLOWING
16 STATEMENTS. ACCORDING TO DETECTIVE ARNOLD, THROUGHOUT THE INTERVIEW
17 OF THE DEFENDANT, HE SHOWED NO REGRET OR REMORSE FOR HIS ACTIONS. THE
18 DEFENDANT RELATED TO THE DETECTIVES THAT HE WOULD DO THE SAME THING
19 UNDER SIMILAR CIRCUMSTANCES, EXCEPT THAT HE WOULD ONLY USE A BIGGER
20 GUN THE NEXT TIME. DETECTIVE ARNOLD WENT ON TO SAY THAT THE DEFENDANT
21 HAS SOME SLIGHT APPARENT GANG-RELATED TIES WITH THE "AZUSA-13" GANG..
22 IN HIS CLOSING STATEMENTS, DETECTIVE ARNOLD EXPRESSED HIS PERSONAL
23 FEELING THAT THE DEFENDANT'S ACTIONS WARRANT LONG-TERM CUSTODY

1 COMMITMENT.

2 EVALUATION:

3 THE PRIMARY CAUSAL FACTOR INVOLVED IN THE ALLEGED
4 OFFENSE APPEARS TO CENTER AROUND THE DEFENDANT HAVING AN ALTERCATION
5 WITH THE VICTIM'S BROTHER OVER AN EX-GIRLFRIEND. THE DEFENDANT,
6 APPARENTLY EMOTIONALLY UPSET, VOWED TO RETURN TO THE VICTIM'S RESIDENCE
7 IN ORDER TO RETALIATE AND DID SO, SHOOTING THE VICTIM FIVE TIMES WITH
8 A HANDGUN. IT IS QUITE NOTEWORTHY THAT THE DEFENDANT, AFTER THIS
9 SHOOTING INCIDENT, INDICATED TO THE INVESTIGATING DETECTIVES THAT HE
10 WOULD PERFORM THE ACT AGAIN GIVEN THE SAME CIRCUMSTANCES, ONLY USE A
11 BIGGER GUN. THIS CLEARLY SHOWS THAT THE DEFENDANT HAS NO REMORSE OR
12 CONCERN FOR THE VICTIM NOR IS DISPLAYED BEHAVIOR. EVEN THOUGH THE
13 DEFENDANT'S ARREST HISTORY IS MINIMAL, HIS PERSONAL HISTORY SUGGESTS
14 THAT HE IS NOT A RESPONSIBLE ASPECT WITHIN THE IMMEDIATE COMMUNITY.
15 OVERALL, DEFENDANT'S BEHAVIOR IN THE PRESENT OFFENSE WOULD INDICATE
16 THAT HE IS AN EXTREME DANGER TO THE LIVES OF OTHERS. BASED ON THE
17 CIRCUMSTANCES INVOLVED IN THE ALLEGED OFFENSE, THE DEFENDANT IS
18 DEFINITELY NOT A SUITABLE CANDIDATE FOR PROBATION SUPERVISION. THUS,
19 THE ONLY SUITABLE DISPOSITION IN THIS MATTER WOULD BE FOR THE DEFENDANT
20 TO BE COMMITTED TO STATE PRISON.

21 SENTENCING CONSIDERATIONS:

22 IF CONVICTED OF THE CRIMINAL CHARGE, THE DEFENDANT IS
23 NOT ELIGIBLE FOR PROBATION PURSUANT TO SECTION 1203.06 OF THE PENAL

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1 CODE.

2 CIRCUMSTANCES IN AGGRAVATION:

- 3 1. THE PLANNING, SOPHISTICATION OR PROCESSIONALISM
4 WITH WHICH THE CRIME WAS CARRIED OUT, OR OTHER
5 FACTS, INDICATES PREMEDITATION.
6 2. THE DEFENDANT HAS ENGAGED IN CONDUCT WITH INDICATES
7 THAT HE IS A SERIOUS DANGER TO SOCIETY.

8 CIRCUMSTANCES IN MITIGATION:

9 THERE ARE NO CIRCUMSTANCES IN MITIGATION.

10 IF CONVICTED AND SENTENCED TO STATE PRISON, THE FACTS
11 IN AGGRAVATION WARRANT THE IMPOSITION OF THE MID BASE TERM.

12 RECOMMENDATION:

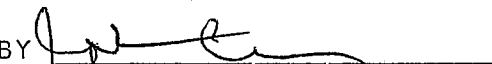
13 SHOULD THE DEFENDANT BE CONVICTED OF THE CRIMINAL
14 CHARGE, IT IS RECOMMENDED THAT PROBATION BE DENIED AND THAT THE
15 DEFENDANT BE SENTENCED TO STATE PRISON WITH PRE-IMPRISONMENT CREDIT;
16 THAT THE COURT ORDER THE DEFENDANT TO PAY A RESTITUTION FINE OF \$100
17 AS PROVIDED BY SUBDIVISION (A) OF SECTION 13967 OF THE GOVERNMENT CODE,
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1 THE TOTAL AMOUNT TO INCLUDE A SERVICE CHARGE AS PROVIDED BY SUBDIVISION
2 (D) OF SECTION 13967 OF THE GOVERNMENT CODE.

3 RESPECTFULLY SUBMITTED,

4 BARRY J. NIDORF,
5 PROBATION OFFICER

6 BY


7 JOHN CRYER, DEPUTY
8 POMONA VALLEY AREA OFFICE
520-3165

9 READ AND APPROVED:

I HAVE READ AND CONSIDERED
THE FOREGOING REPORT OF THE
PROBATION OFFICER.

11 C. P. J. K. L.
12 KENNETH LE MOND, SDPO

13 (SUBMITTED 11-8-90)
14 (TYPED 11-13-90)
JC:WT (6)

JUDGE OF THE SUPERIOR COURT

15 IF PROBATION IS GRANTED, IT IS RECOMMENDED THAT
16 THE COURT DETERMINES DEFENDANT'S ABILITY TO PAY COST OF PROBATION
17 SERVICES PURSUANT TO SECTION 1203.1B PENAL CODE. COST OF PRE-SENTENCE
18 INVESTIGATION AND PRE-SENTENCE REPORT - \$412.00. COST OF SUPERVISION -
19 \$28.00 PER MONTH.
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